

REGULAR MEETING AGENDA

Wednesday, May 14, 2014 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARING

CALENDAR NO. 4-2014

Opened on February 12, 2014 and immediately continued to March 12, 2014 at the applicant's request. Recontinued on March 12, 2014 and April 9, 2014 at the applicant's request. This hearing must be concluded tonight May 14th. The allowable 35 days after its opening, plus 65 possible days of extension continuations, which have been granted to date, allows the ZBA to continue this hearing until no later than May 23, 2014 (up to 100 total days).

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Dean C. & Ann K. Ravosa submitted on January 3, 2014 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; in order to allow the existing landscape plantings and change in grade to remain. The property is situated on the south side of Royle Road approximately 725 feet west of the intersection with Mansfield Avenue and is shown on Assessor's Map #6 as Lot #46, being 19 Royle Road and located in an R-1/2 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 17-2014

The application of Patricia & Glenn Hoffman submitted on April 16, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a front entry trellis; Section 406: 50.2 in lieu of 90.0 feet minimum required front yard setback. The property is accessed from a shared driveway situated on the east side of Old Kings Highway South approximately 600 feet northeast of Glen Gorham Lane and is shown on Assessor's Map #49 as Lot #40, being 217 Old Kings Highway South and located in the R-1/2 and R-1 (residential) Zones.

CALENDAR NO. 18-2014

The application of Beth Harrington-Howes and Beth Harrington-Howes, LLC filed on behalf of Erica & William Ozanne submitted on April 16, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of second floor additions and interior alterations; Section 406: 29.7 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the west side of Hoyt Street approximately 80 feet south of the

intersection with Echo Drive North and is shown on Assessor's Map #30 as Lot #48, being 80 Hoyt Street and located in the R-1/3 (residential) Zone.

CALENDAR NO. 19-2014

The application of James Hines and JMK Construction Group LLC on behalf of Carlyle & David Upson submitted on April 16, 2014 for variances of Sections 406 and 334 of the Darien Zoning Regulations; to allow the installation of an AC compressor in one of two locations; Section 406 for Option 1: 3.8 in lieu of 10.0 feet minimum required southwest side yard setback, 23.6 in lieu of 25.0 feet minimum required rear yard setback, and 21.2 in lieu of 25.0 feet minimum required total of two side yards setback; or for Option 2: 8.5 in lieu of 10.0 feet minimum required southwest side yard setback, 18.5 in lieu of 25.0 feet minimum required rear yard setback; and for both Options: 27.1 in lieu of 20.0% maximum allowable building coverage and Section 334: installation of a building feature on a lot with 86.0 in lieu of 100.0 feet minimum required lot depth. The property is situated on the northwest side of Oakland Terrace approximately 200 feet south of the intersection with Boston Post Road and is shown on Assessor's Map #54 as Lot #24, being 5 Oakland Terrace and located in an R-1/3 (residential) Zone.

CALENDAR NO. 20-2014

POSTPONED TO JUNE 18, 2014

The application of Law Office of Bruce Hill, LLC on behalf of 145 NWL LLC submitted on April 16, 2014 for an interpretation of Section 210 or variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two and one half story house; Section 210: an interpretation that "the average elevation of the finished grade" may be determined utilizing "the assumed pre-pond elevations" on the property; or if necessary a variance of Section 406: 32.0 in lieu of 30.0 feet maximum allowable building height. The property is situated on the west side of Nearwater Lane approximately 600 feet north of the intersection with Brush Island Road and is shown on Assessor's Map #56 as Lot #24, being 145 Nearwater Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 21-2014

WITHDRAWN MAY 7, 2014

The application of Nicholas A. Sajda and Pagliaro Bartels Sajda Architects on behalf of David & Albertine Madon submitted on April 17, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of one

story chimney and trellis additions; Section 406: 26.2 in lieu of 40.0 feet minimum required rear yard setback for the proposed chimney; and 26.3 in lieu of 40.0 feet minimum required rear yard setback for the proposed trellis. The property is situated on the northwest side of the Shennamere Road cul-de-sac approximately 500 feet south of the intersection with Contentment Island Road and is shown on Assessor's Map #68 as Lot #10, being 15 Shennamere Road and located in an R-1 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Requested amendment to the approved plans of Calendar No. 9-2014, Julie Pagnozzi, 87 Old Kings Highway South.
2. Review of Giovanni's sign proposal.
3. Approval of Minutes of meeting on March 12, 2014. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Ruth Anne Ramsey, and Rich Wood.
4. Special Executive Session prior to June 18 meeting with Assistant Town Attorney John Louizos regarding ZBA findings consistent with legal procedures and policies.

5. Possible recommendations for Regulation changes and discussion with P&Z Commission.
6. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/ guidelines/ staff questions, project fit relative to neighbor properties, supervision/ inspection of construction projects, and/or requested changes.
7. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).